

REMARKS

Claims 21-38 are currently pending in the present application, with Claims 21 and 32 being in independent form.

In the Office Action, the Examiner is requiring election of species between the embodiment illustrated in FIG. 4 and the embodiment illustrated in FIG. 6.

Applicants respectfully traverse the election requirement imposed in the Office action, but provisionally elect the embodiment illustrated in FIG. 6, i.e., II(B) as grouped by the Examiner. Further, Applicants respectfully submit that Claims 21-38 read on the embodiment illustrated in FIG. 6. Therefore, all pending claims should be examined.

More specifically, Applicants object to and traverse the election requirement on the grounds that there would not be a serious burden on the Examiner. The Examiner has failed show how the Examiner is faced with a serious burden.

As specifically stated in MPEP §803, in imposing a restriction requirement, i.e., an election of species, the Examiner must show that:

(A) the inventions are independent (*see* MPEP §802.01, §806.04, §808.01) or distinct as claimed (*see* MPEP §806.05 - §806.05(i)); **and**

(B) there will be a **serious burden** on the Examiner if the restriction requirement is not imposed (*see* MPEP §803.02, §806.04(a) -§806.04(i),§808.01(a), and §808.02).

It is respectfully submitted that there would **not be a serious burden** upon the Examiner in searching the embodiments illustrated in FIGs. 4 and 6 together. In fact, as shown above, in searching the claims that the embodiment illustrated in FIG. 6, the Examiner must search all the

pending claims anyway. Therefore, it is respectfully submitted that the withdrawal of the election requirement would not be a serious burden on the Examiner, as the Examiner still needs to examine all of the pending claims. For example, Claims 25 and 27 read on the embodiment illustrated in FIG. 6.

In view of the foregoing, it is requested that the election requirement be withdrawn. It is further submitted that the application is in condition for examination on the merits, and early allowance is requested.

Accordingly, all of the claims pending in the Application, namely, Claims 21-38, are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicants' attorney at the number given below.

Respectfully submitted,



Paul J. Farrell
Reg. No. 33,494
Attorney for Applicant

THE FARRELL LAW FIRM, LLP
290 Broadhollow Road., STE 210E
Melville, NY 11747
Tel: (516) 228-3565
Fax: (516) 228-8475